

### LISTING OF THE CLAIMS

1. (Previously Presented) A device for clamping and ablating cardiac tissue comprising:

a first handle member;

a second handle member;

first and second opposed jaw members associated with the first and second handle members, respectively, the jaw members being movable by the handle members between a first open position and a second clamped position;

a first electrical conductive member carried by the first jaw member;

a second electrical conductive member carried by the second jaw member;

at least one jaw including a surface for engaging tissue clamped between the jaws, the surface comprising insulative material, an aperture extending through the insulative material and the respective conductive member of such jaw being carried in the jaw and conductive of electrical energy through the aperture to tissue clamped between the jaws.

2. (Previously Presented) The device of claim 1 wherein at least one of the conductive members is between approximately 3 to 8 cm in length and approximately 0.12 to 0.6 mm in width.

3. (Previously Presented) The device of claim 1 wherein at least one of the conductive members comprises gold-plated copper.

4. (Currently Amended) A tissue grasping apparatus comprising:


FL first and second grasping jaws, the grasping jaws being relatively moveable between open and closed positions; each jaw including an electrode and a clamping surface in opposed relation with the electrode and clamping surface of the other jaw the electrode of at least one jaw defining an inner lumen; the clamping surfaces of the jaws comprising an insulating material, ~~and~~ defining an elongated aperture having a width, and at least one of the opposed electrodes being carried at least in part within the jaw, the electrode having a width within the jaw greater than the width of the elongated aperture and being connectible to a power source for providing an electrical current through tissue clamped between the electrodes.

5. (Previously Presented) The apparatus of claim 4 wherein at least one of the electrodes is between approximately 3 to 8 cm in length and approximately 0.12 to 0.6 mm in width.

6. (Previously Presented) The apparatus of claim 4 wherein at least one of the electrodes comprises gold-plated copper.

7. (Cancelled)

8. (Cancelled)

9. (Currently Amended) The apparatus of Claim 4 in which the clamping surface of the at least one jaw comprises an elongated aperture extending through the insulative material along the jaw and the respective electrode of such jaw being carried in the jaw and conductive of electrical energy through the aperture to tissue  clamped between the jaws.

10. (Previously Presented) The apparatus of claim 9 in which the aperture comprises a slot extending along at least a portion of such jaw and the electrode of such jaw extends through the slot of such jaw.

11. (Cancelled)

12. (Cancelled)

13. (Previously Presented) The apparatus of claim 4 in which at least one of the electrodes defines a generally annular cross-sectional shape.

14. (Previously Presented) The device of claim 1 in which at least one of the conductive members defines an inner lumen.

15. (Previously Presented) The device of claim 1 in which at least one of the conductive members defines a generally annular cross-sectional shape.

16. (Previously Presented) The device of claim 1 in which the aperture comprises a slot extending along at least a portion of the jaw.

17. (Previously Presented) The device of claim 1 in which the other jaw includes a surface for engaging tissue clamped between the jaws, the surface comprising insulative material, an aperture extending through the insulative material and the respective conductive member of such other jaw being carried in the jaw and conductive of electrical energy through the aperture to tissue clamped between the jaws.


18. (Previously Presented) The device of claim 17 in which the aperture in each jaw comprises a slot extending along at least a portion of the jaw and the conductive member in each jaw is elongated.

19. (Previously Presented) The device of claim 18 wherein the conductive member of each jaw extends through the respective slot of such jaw.

20. (Previously Presented) The apparatus of claim 4 in which an electrode of each jaw defines an inner lumen.

21. (Currently Amended) Tissue ablation apparatus comprising: first and second jaws, the jaws being relatively movable between an open position for receiving tissue therebetween and a closed position for compressively engaging against tissue received therebetween, each jaw including a tissue engaging surface, an elongated aperture in the tissue engaging surface and an elongated electrically conductive member carried by the jaw, which conductive member is generally parallel and in proximity to the elongated aperture so as to allow ~~conductive of~~ electrical energy to flow

through the aperture to tissue engaged between the jaws, the elongated conductive member of each jaw defining an inner lumen.



## RESPONSE

This amendment is in response to the Office Action of October 29, 2003. Claims 1-6, 9, 10 and 13-21 are pending in the present application, of which claims 1, 4, and 21 are independent.

In the Office Action claims 1-6, 9, 10, and 13-21 were rejected under 35 U.S.C. 112, first paragraph. In addition, claims 1, 4, 9, 10 and 13-21 were rejected under 35 U.S.C. 102(b) as being anticipated by Mulier et al. (U.S. Patent 6,096,037). Claims 2 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mulier et al., and claims 3 and 6 were rejected as being unpatentable over Mulier et al. further in view of Imran. Claims 1-6, 9, 10 and 13-21 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,517,536 in view of Mulier et al. The Applicant addresses each of these rejections in turn.